

Notice of Allowability

Application No.

09/730,627

Examiner

Brian P Mruk

Applicant(s)

VISHNUPAD, MOHAN

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to March 31, 2004.
2. ☒ The allowed claim(s) is/are 1,2,5,7-9 and 11-40.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Brian P. Mruk
Brian P Mruk
Primary Examiner
Art Unit: 1751

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Cen et al, U.S. Patent No. 6,428,799, discloses a composition for cleaning skin and hair comprising 8.87% by weight of sodium lauroyl sarcosinate, 7.39% by weight of polyethyleneimine, 4.43% by weight of water, 6.36% by weight of sulfuric acid, 34.45% by weight of glycerin, 2.5% by weight of propylene glycol, 16% by weight of Sepigel 305 (i.e. a mixture of polyacrylamide, C₁₃₋₁₄ isoparaffin and laureth-7), 12% by weight of 12-hydroxystearic acid, and 8.0% by weight of stearyl alcohol (see col. 61, Example 65). It is further taught by Cen et al that the cleaning composition may further contain astringents, such as menthol (col. 12, lines 66-67), anionic surfactants, such as sodium cocoyl isethionate (col. 16, lines 13-24), vitamins, such as Vitamin E (see col. 28, lines 40-50), and antimicrobial agents, such as erythromycin (see col. 30, lines 25-28). However, patentee differs from applicant in that Cen et al does not teach or suggest in general a composition comprising a polar solvent and a thickening agent comprising a polyacrylamide, wherein the composition has a viscosity of at least 1000 centipoise and does not contain any freely added water, as required by applicant in the instant claims. Furthermore, the examiner construes the phrase "wherein the composition contains no free added water" in instant claims 1, 23 and 27 to mean that the composition is substantially anhydrous, as defined by applicant on page 3, lines 3-7 of the instant specification.

Art Unit: 1751

Accordingly, the claims viewed as a whole would not have been obvious to one of ordinary skill in the art at the time of the invention after viewing the prior art of record.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

BPM

Brian Mruk
April 8, 2004

Brian P. Mruk
Brian P. Mruk
Primary Examiner
Tech Center 1700